

# INTERNET COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|  |   |  |
|--|---|--|
| Applicant's or agent's file reference<br><b>3682 1001005</b> | <b>FOR FURTHER ACTION</b><br>see Form PCT/ISA/220 as well as, where applicable, item 5 below. |  |
| International application No.<br><b>PCT/US2006/014584</b>    | International filing date (day/month/year)<br><b>19/04/2006</b>                               | (Earliest) Priority Date (day/month/year)<br><b>21/04/2005</b> |
| Applicant<br><br><b>GRYPHON NETWORKS</b>                     |   |  |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☐ the text is approved as submitted by the applicant  
☒ the text has been established by this Authority to read as follows:

**CONTROL OF COMMUNICATIONS' COMPLIANCE WITH DO NOT CALL LISTS, EXISTING BUSINESS RELATIONSHIP LISTS AND DESTINATION PREFERENCES**

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
 b. ☐ none of the figures is to be published with the abstract

C13

## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2006/014584

A. CLASSIFICATION OF SUBJECT MATTER  
 INV. H04M3/51 H04M3/38

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
 H04M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|-----------|--|-----------------------|
| Y         | US 6 330 317 B1 (GARFINKEL DEAN)<br>11 December 2001 (2001-12-11)<br>abstract<br>figure 2<br>column 1, line 36 - line 57<br>column 2, line 64 - column 3, line 6<br>column 5, line 21 - line 32<br>column 5, line 54 - column 6, line 67 | 1-42                  |
| Y         | US 2004/109557 A1 (LENARD ROHAN)<br>10 June 2004 (2004-06-10)<br>paragraphs [0004] - [0006]<br>paragraph [0026]<br>paragraph [0028]<br>-----<br>-/--   | 1-42                  |



Further documents are listed in the continuation of Box C.



See patent family annex.

## \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \* & \* document member of the same patent family

Date of the actual completion of the international search

19 July 2006

Date of mailing of the international search report

27/07/2006

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Catley, I

## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2006/014584

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|-----------|--|-----------------------|
| A         | US 2005/031107 A1 (FOTTA KEITH ALAN)<br>10 February 2005 (2005-02-10)<br>abstract<br>paragraph [0005]<br>paragraphs [0008], [0009]<br>paragraph [0032]<br>paragraph [0039]<br>-----                                      | 1-42                  |
| A         | WO 03/107644 A (GRYPHON NETWORKS, INC;<br>FOTTA, KEITH, A; BOUDRIEU, RICHARD, P)<br>24 December 2003 (2003-12-24)<br>cited in the application<br>page 19, line 6 - line 30<br>page 20, line 7 - page 21, line 5<br>----- | 1-42                  |

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2006/014584

| Patent document<br>cited in search report |    | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
|---|----|---------------------|----------------------------|---------------------|
| US 6330317                                | B1 | 11-12-2001          | NONE                       |                     |
| US 2004109557                             | A1 | 10-06-2004          | US 2005226403 A1           | 13-10-2005          |
| US 2005031107                             | A1 | 10-02-2005          | NONE                       |                     |
| WO 03107644                               | A  | 24-12-2003          | AU 2003247543 A1           | 31-12-2003          |
|   |    |                     | CA 2489910 A1              | 24-12-2003          |
|   |    |                     | EP 1529394 A1              | 11-05-2005          |
|   |    |                     | US 2005074114 A1           | 07-04-2005          |

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2006/014584

International filing date (day/month/year)  
19.04.2006

Priority date (day/month/year)  
21.04.2005

International Patent Classification (IPC) or both national classification and IPC  
INV. H04M3/51 H04M3/38

Applicant  
GRYPHON NETWORKS

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Catley, I

Telephone No. +49 89 2399-7201



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2006/014584

---

**Box No. I Basis of the opinion**

---

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2006/014584

---

**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

|                               |             |      |
|-------------------------------|-------------|------|
| Novelty (N)                   | Yes: Claims | 1-42 |
|                               | No: Claims  |      |
| Inventive step (IS)           | Yes: Claims |      |
|                               | No: Claims  | 1-42 |
| Industrial applicability (IA) | Yes: Claims | 1-42 |
|                               | No: Claims  |      |

2. Citations and explanations

**see separate sheet**

---

**Box No. VII Certain defects in the international application**

---

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

---

**Box No. VIII Certain observations on the international application**

---

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

Reference is made to the following documents:

D1: US-B1-6 330 317 (GARFINKEL DEAN) 11 December 2001 (2001-12-11)

D2: US 2004/109557 A1 (LENARD ROHAN) 10 June 2004 (2004-06-10)

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. **Claim 1** does not meet the requirements of Article 33(3) PCT due to the subject-matter therein lacking in inventive step.

Document D1, which is considered to represent the most relevant state of the art, discloses a system for blocking calls of telemarketers according to do-not-call lists, whilst taking into account pre-existing customers, who may still legally be contacted (abstract). With respect to many of the features of claim 1 of the current application, it comprises (the references in parentheses relating to D1):

- A control system for selectively prohibiting a communications connection between an origin and destination within a communications network (abstract), the system comprising:
  - at least one list of prohibited destination identifiers (col 5, lines 54-62);
  - at least one list of exempted destination identifiers (col 6, lines 2-11);
  - a control unit that prohibits or allows the communications connection between the origin and destination based on the lists of prohibited and exempted destination identifiers ~~and preference designations corresponding to destination identifiers~~ (col 6, lines 21-49); and
  - a connection unit that receives or initiates a request for a communications connection between an origin and destination, the request including the

destination identifier ~~and one or more target preferences~~, the connection unit capable of sending a request to the control unit and receiving an order from the control unit to prohibit or allow the communications connection (col 5, lines 21-32).

The subject matter of claim 1 of the present application **differs** from the disclosure of document D1 in that "*preference designations corresponding to destination identifiers*" are also taken into account in the blocking decision.

From this difference one may derive the objective technical **problem** of modifying the system in order to satisfy customers who only wish to be exempted from their default do-not-call status in specific circumstances.

When **addressing this problem**, the person skilled in the art would consult other documents in the field of telemarketing and in doing so discover D2, which discloses a dialler for managing outgoing contacts (abstract). In particular, D2 teaches of the consideration of customer (ie. destination) preferences when determining whether a call should be blocked (paras [0005], [0026], [0038]). When applying this teaching to the system of D1, the skilled person would thus arrive at the subject-matter of claim 1, which is consequently **not inventive**.

2. The additional features introduced by dependent claims 2-9 do not appear to add anything of inventive significance to the subject-matter of the claims to which they refer and therefore said claims do not satisfy the requirements of Article 33(3) PCT for inventive step. The reasons for this are as follows:

**CI 2-6,8,9** These claims merely list alternative applications of the basic principles of the system in different contexts, all of which being either implicitly or explicitly disclosed by the cited prior art.

**Claim 7** The periodic synchronisation of do-not-call and exemption lists is described by D1 (col 6, lines 50-67).

3. **Claim 10** corresponds to claim 1 with the features being reformulated in terms of method steps. Since the system was deemed to be non-inventive over the combination of D1 and D2, the associated method also falls short of the requirements of Article 33(3) PCT for the same reasons as outlined in §1 above.

Similarly, dependent claims **11-18** introduce corresponding features to those of claims 2-9 and said claims are consequently not inventive under Article 33(3) PCT since the arguments of §2 above equally apply.

4. **Claims 19-42** only serve to redefine subject-matter of previous claims using slightly different wording without introducing any substantial differences which could be considered as contributing an inventive step. Consequently, said claims also fail to meet the requirements of Article 33(3) PCT.

#### **Re Item VII**

##### **Certain defects in the international application**

1. Independent claims 1, 10, 19, 29, 41 and 42 are not in the two-part form in accordance with Rule 6.3(b) PCT.
2. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.
4. According to the Guidelines IV, II - 4.17, the phrase "*are incorporated herein by reference*" on page 1 (lines 6-7), page 9 (lines 27-28), and page 10 (line 30) of the description should have been **deleted**; the content of the patents being referred to is not essential for carrying out the invention as meant by Article 5 PCT.

**Re Item VIII**

**Certain observations on the international application**

1. Although apparatus claims 1, 19, 41 and 42 and method claims 10 and 29 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and consequently do not meet the requirements of Article 6 PCT.